

COMBINED DECLARATION AND POWER OF ATTORNEY

☒ Declaration submitted
after Initial Filing (surcharge
(37 CFR 1.16(e)) required)

Attorney Docket: BL-4 NPROV
Applicant: Luiz B. Da Silva
Serial No.: 10/803,574
Filing Date: March 17, 2004

As a below named inventor(s), I (we) hereby declare that:

My (Our) residence, post office address and citizenship(s) are as stated below next to my (our) name(s).

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: OPTICAL BIOPSY SYSTEM WITH SINGLE USE NEEDLE PROBE, the specification of which (check one)

___ is attached hereto was filed on March 17, 2004 as United States Application Number or PCT International Application Number 10/803,574

and was amended on _____ (if applicable).

I (We) hereby state that I (we) have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I (We) acknowledge the duty to disclose information that is material to patentability as defined in 37 CFR 1.56.

I (We) hereby claim foreign priority benefits under 35, U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

| (Application Number) | (Country) | (Foreign Filing Date) |
|----------------------|-----------|-----------------------|
|----------------------|-----------|-----------------------|

| (Application Number) | (Country) | (Foreign Filing Date) |
|----------------------|-----------|-----------------------|
|----------------------|-----------|-----------------------|

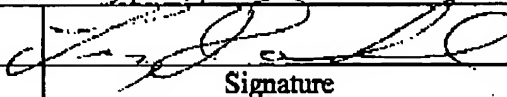
I (We) hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below:

| | |
|------------------------|----------------|
| 60/455,536 | March 17, 2003 |
| Application Serial No. | Filing Date |

I (We) hereby claim the benefit under 35 U.S.C. 120 of any United States applications(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| Application Serial No. | Filing Date | Status |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|---------------------------------------------------------------------------------------------------------------|
| POWER OF ATTORNEY: As the named inventor(s), I (we) hereby appoint the following registered practitioner(s) to prosecute this application, and to transact all business connected therewith, in any patent office, U.S. or foreign. | | |
| Names | | Registration No. |
| John P. Wooldridge | | 38,725 |
| <u>Direct Correspondence To:</u> John P. Wooldridge, Esq. 252 Kaipii Pl. Kihei, Hawaii 96753 | | <u>Direct Telephone Calls To:</u> (Name and Telephone Numbers) John P. Wooldridge (808) 875-0012 |

I (We) hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | |
|---------------------------------------------------|------------------------------------------------------------------------------------|
| LUIZ B. DA SILVA |  |
| Full Name of Inventor | Signature |
| DANVILLE, CALIFORNIA | 8/3/04 |
| Residence (City, State or Foreign Country) | Date |
| 1995 CAMINO RAMON PL., DANVILLE, CALIFORNIA 94526 | USA |
| Postal Address (Street, City, State, Zip Code) | Citizenship |